



Civil Rights Requirements

Revised: 8/2014



GOALS OF CIVIL RIGHTS

- ♦ Equal treatment for all applicants and beneficiaries
- ♦ Knowledge of rights and responsibilities
- ♦ Elimination of illegal barriers that prevent or deter people from receiving benefits
- ♦ Dignity and respect for all

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What is Discrimination?

The act of distinguishing one person or group of persons from other, either intentionally, by neglect, or by the effect of actions or lack of actions based on their protected classes.

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What Is a Protected Class?

Any person or group of people who have characteristics for which discrimination is prohibited based on a law, regulation, or executive order.

- Race
- Color
- National Origin
- Sex
- Disability
- Age

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Discrimination = Four D's

...an individual or group is:

- **D**enied benefits or services that others receive
- **D**elayed receiving benefits or services that others receive
- Treated **D**ifferently than others to their disadvantage
- Given **D**isparate treatment something which does not seem discriminatory, but has a discriminatory impact in practice

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Examples of Discrimination

- ♦ Refuse a child's enrollment based on disability
- ♦ Failure to provide reasonable accommodations to disabled individuals
- ♦ Serving meals at a time, place, or manner that is discriminatory
- ♦ Selectively distributing applications
- ♦ Failure to provide the same eligibility criteria to all participants

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Components of Civil Rights Compliance

- Public Notification System
- Outreach and Education
- Data Collection
- Reasonable Accommodations
- Civil Rights Complaint Procedures
- Technical Assistance and Training
- Customer Service
- Conflict Resolution

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Equal Access

- All children who attend must be provided equal access to the benefits of the SMP.
- To withhold the program from any eligible age group is age discrimination.

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Public Notification

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Public Notification

Must include information on:

- Eligibility
- Benefits & Services
 - i.e. assistance with milk purchases
- Program availability
- Applicant rights and responsibilities
- Procedures for filing a complaint
- Non-discrimination policies



Methods of Public Notification

- **Public News Media Release (required)**
 - Inform the general public that your agency sponsors the SMP and that milk is provided at no separate charge.
- **Post “And Justice for All” Poster (required)**
 - Includes the USDA’s nondiscrimination statement and lists the USDA contact information for filing a complaint of discrimination.
- **Other methods of public notification (optional):**
 - Bulletins
 - Letters/Leaflets/Brochures
 - Internet/Computer-based Applications



Public Notification System

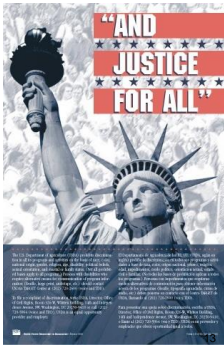
- ♦ **News Media Release**
 - ♦ **Annually** submit to local news media outlet
 - (i.e.- newspaper)
 - ♦ Keep a copy on file stating where and when submitted



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“And Justice for All” Poster

- All agencies participating in Child Nutrition Programs must display the USDA's non-discrimination poster in a prominent area where participants and potential participants have access
 - Examples: cafeteria/food service area, office, parent bulletin board
- Must be posted at every site
- Must be 11" x 17" format



Obtaining “And Justice For All” Posters

- "And Justice for All" poster is available to download from the USDA website for temporary use (<http://www.rma.usda.gov/aboutrma/civilrights/AD-475C.pdf>)
- DPI provides posters to centers free of charge. To order posters for permanent use, contact your assigned consultant.



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Outreach and Education

Outreach and Education

- ♦ You want to reach as many potential children as possible.
- ♦ You want to ensure program access.
- ♦ You need to pay attention to under-represented groups.
- ♦ Include the required nondiscrimination statement on all appropriate FNS and agency publications, web sites, posters, and informational materials.
- ♦ When using graphics, reflect diversity and inclusion.



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Outreach and Education

Include non-discrimination statement on all materials that mention or imply SMP and/or USDA programs (including websites)

Required Non-Discrimination Statement Language

The U.S Department of Agriculture prohibits discrimination against its customers, employees, and applicants for employment on the bases of race, color, national origin, age, disability, sex, gender identity, religion, reprisal, and where applicable, political beliefs, marital status, familial or parental status, sexual orientation, or all or part of an individual's income is derived from any public assistance program, or protected genetic information in employment or in any program or activity conducted or funded by the Department. (Not all prohibited bases will apply to all programs and/or employment activities.)

If you wish to file a Civil Rights program complaint of discrimination, complete the USDA Program Discrimination Complaint Form, found online at http://www.ascr.usda.gov/complaint_filing_cust.html, or at any USDA office, or call (866) 632-9992 to request the form. You may also write a letter containing all of the information requested in the form. Send your completed complaint form or letter to us by mail at U.S. Department of Agriculture, Director, Office of Adjudication, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410, by fax (202) 690-7442 or email at program.intake@usda.gov.

Individuals who are deaf, hard of hearing or have speech disabilities may contact USDA through the Federal Relay Service at (800) 877-8339; or (800) 845-6136 (Spanish).

USDA is an equal opportunity provider and employer.

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Required Non-Discrimination Statement Language

If the material or document is too small to permit the full statement (previous slide) to be included, the material **MUST**, at a minimum, include:

“USDA is an equal opportunity provider and employer.”

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Ethnic and Racial Data Collection



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Why do I have to collect ethnic and racial data?

Ethnic and racial data is used to determine how effectively your program is reaching potentially eligible children and where outreach may be needed.

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Collecting and Recording Participation Data

- Establish a system to collect ethnic and racial data on an annual basis
- Program applicants may not be required to furnish ethnicity and race
- Data collectors may not second guess, change, or challenge a self-declaration of ethnicity and race made by a participant unless such declarations are blatantly false

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Data Collecting and Reporting

Collect ethnic data first, then racial data

1. **Ethnicity categories:**
 - Hispanic or Latino
 - Non-Hispanic or Non-Latino
2. **Racial categories (instructions should specify “mark one or more”)**
 - American Indian or Alaskan Native
 - Asian
 - Black or African American
 - Native Hawaiian or other Pacific Islander
 - White

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Racial and Ethnic Data Collection

- **You may use one of the following two methods to determine ethnicity and race:**
 - Visual identification by a center official
 - Personal knowledge, records or other documentation your agency possesses that identifies household ethnic and racial data.

COMPLETE AND RETURN TO FILE - DO NOT SUBMIT TO THE DPH UNLESS REQUESTED

ETHNIC and RACIAL DATA FORM

Agency Name: _____
Site Name (if different): _____
Address: _____

Ethnic Categories	Number of Participating Children
Hispanic or Latino: A person of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin, regardless of race. The term "Spanish origin" can be used in addition to "Hispanic or Latino". "Not Hispanic or Latino"	
Racial Categories	
American Indian or Alaskan Native: A person having origins in any of the original peoples of North and South America (including Central America) and who maintains tribal affiliation or community attachment.	
Asian: A person having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian subcontinent (including, for example, Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand, and Vietnam).	
Black or African American: A person having origins in any of the Black racial groups of Africa. "Negro" or "Negro" can be used in addition to "Black or African American".	
Native Hawaiian or Other Pacific Islander: A person having origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands.	
White: A person having origins in any of the original peoples of Europe, the Middle East, or North Africa.	
Site Supervisor OR Authorized Representative Signature: _____	Date: _____

See Back for Instructions

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Data Management

- **Collection systems must ensure that data collected/retained are:**
 - Collected and retained by each program site
 - Kept secure and confidential
 - Submitted, if requested, to FNS Regional or Headquarters Offices
 - Kept on file for 3 years plus the current program year
 - Identify all sources of information used

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Conflict Resolution



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Conflict Resolution

- **The USDA recommends using an Alternative Dispute Resolution (ADR) program**

ADR Definition: use of a neutral third party (usually a person acting as a facilitator) to resolve informally a complaint of discrimination through use of various techniques such as fact finding, mediation, peer panels, facilitation, ombudsman support, or conciliation.

Visit <http://www.fas.usda.gov/about-fas/civil-rights/alternative-dispute-resolution-adr-program> for more information.

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Reasonable Accommodation of Persons with Disabilities

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Providing Milk Substitutions

- **USDA regulations only require substitutions or modifications in SMP milk choices for children whose disabilities restrict their diets based on a licensed physician's assessment**
Example: food allergies causing life-threatening anaphylactic reactions
- **Disabilities must be documented by a physician's statement**
Physician statement must: state the name of the child's disability, identify how it limits one of the major life activities, specify foods the child cannot have and the foods to be substituted.
- **Generally, children with food allergies or intolerances do not have a disability. The agency may, but is not required to, make milk substitutions under these circumstances.**
Example: lactose intolerance, sensitivity to food additives

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Complaint Procedures

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Handling Civil Rights Complaints

- Centers are required to develop and implement a written procedure to handle any discrimination complaint that may be received

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Right to File a Complaint

Any person who believes he or she or someone he/she knows has been discriminated against based on Federal protected classes (ie. National origin, race, etc.) has a right to file a complaint within **180 days** of the alleged discriminatory action.

Complainants may contact any of the following offices to register a complaint:

1. USDA: Director, Office of Adjudication, 1400 Independence Avenue, SW, Washington, D.C. 20250-9410 or call toll free (866) 632-9992 (Voice). Individuals who are hearing impaired or have speech disabilities may contact USDA through the Federal Relay Service at (800) 877-8339; or (800) 845-6136 (Spanish).

2. Wisconsin DPI: Director, Community Nutrition Programs, 125 South Webster Street, P.O. Box 7841, Madison, WI 53707-7841, (608)267-9129

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Handling Civil Rights Complaints

- Complaints can be written or verbal
- Anonymous complaints should be handled as any other complaint
- All verbal or written complaints must be forwarded to the WI DPI or Civil Rights Division of USDA Food and Nutrition Service *within three days* of receiving a complaint
- Agencies must give complainants a *Civil Rights Complaint Form* to complete (Handout)
- Document all potential complaints in a *Civil Rights Complaint Log*
- Have a central location where the *Civil Rights Complaint Forms* and *Civil Rights Complaint Log* will be kept

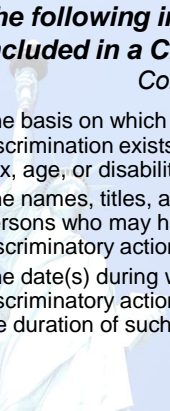
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The following information should be included in a Civil Rights Complaint

- Name, address, phone number of complainant, if provided (not required)
- Specific name and location of entity delivering the benefit or service
- The nature of the incident, action, or method of administration that led the complainant to feel discriminated against

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The following information should be included in a Civil Rights Complaint Continued...

- The basis on which the complainant feels discrimination exists (race, color, national origin, sex, age, or disability)
- The names, titles, and business addresses of persons who may have knowledge of the discriminatory action
- The date(s) during which the alleged discriminatory actions occurred, or if continuing, the duration of such actions

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CIVIL RIGHTS TRAINING

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Civil Rights Training for Agency Staff

- All staff who work with the SMP must receive training on all aspects of civil rights compliance annually.
- Topics:
 - What is Discrimination?
 - Collecting/recording ethnic and racial data
 - Where to display posters
 - What is a Civil Rights complaint
 - How to handle a Civil Rights complaint
- Retain training records of the people who received civil rights training.

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Customer Service



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Customer Service

- All participants must be allowed equal opportunities to participate in Child Nutrition programs regardless of race, color, national origin, sex, age, or disability.
- All participants must be treated in the same manner (i.e. seating arrangements, serving lines, services and facilities, assignment of eating periods, methods of selection for application approval processes).

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Understanding Differences: Respectful Language

Put the person first

- ❖ Example: USE "person with a disability", NOT "disabled person"

http://www.kencrest.org/people_first_language.htm?qclid=CPPS9Zu2kpwCFSQeDQodKahFfA

Use culturally sensitive language

- ❖ Example: USE "Asian", NOT "Oriental"

http://www.sideroad.com/Business_Communication/politically-correct-language.html

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Ask yourself each time you interact with participants...

- How would I want to be addressed?
- Am I treating this person in the same manner I treat others?
- Have I informed this person exactly what information I need to make a determination on the application?
- Have I given this person the opportunity to clarify all relevant factors or inconsistencies and ask questions?
- Have I provided this person with needed information to make necessary decisions?

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Civil Rights Summary

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Summary: Civil Rights “Must Do List”

- ❑ Provide the SMP in a nondiscriminatory manner
- ❑ Must offer milk to all children at the institution and milk substitutions to participants with disabilities
- ❑ Prominently display the “*And Justice for All*” poster

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Summary: Civil Rights “Must Do List”

- ❑ Non-discrimination statement must be on all printed materials available to the public which mention USDA and/or SMP, including websites
- ❑ Annually complete the Ethnic and Racial Data Collection Form
- ❑ Annually submit the News Media Release to a local news media outlet

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Summary: Civil Rights “Must Do List”

- ❑ Train staff annually on Civil Rights and complete a documentation of training form
- ❑ Develop & fully implement your Civil Rights Complaint Procedure
- ❑ Make available to all staff: Civil Rights complaint forms, Civil Rights Log and Civil Rights complaint procedure
- ❑ Refer all Civil Rights complaints to DPI or USDA

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Questions?



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Thank you!

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